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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION**

TIMOTHY and JEANNE DuFOUR and
 KENNETH TANNER, individuals, on
 their own behalves and on behalf of all
 others similarly situated,

Plaintiffs,

v.

BE., LLC, DYNAMIC SHOWCASES,
 LLC, California limited liability
 companies, MONTEREY FINANCIAL
 SERVICES, INC., a California
 corporations, BE MARKETING
 LIMITED, a private limited company
 registered in England and Wales, ERIK
 DeSANDO, BARRY FALCK, JACOB
 STEINBECK, and DOES 1-100, inclusive,

Defendants.

No. 09-03770-CRB

Judge Charles R. Breyer

**STIPULATION REGARDING THE
 CURRENT BRIEFING SCHEDULE AND
~~[PROPOSED]~~ ORDER**

STIPULATION REGARDING THE CURRENT BRIEFING SCHEDULE

WHEREAS, the Court's last case management order states in relevant part: "Briefing schedule set for motion for summary judgment: Motion due by 10/01/2010. Response due by 10/22/2010. Reply due by 10/29/2010." (Dkt. No. 95).

WHEREAS, a class certification hearing date has not yet been set by the Court;

WHEREAS, Plaintiffs contend that there is not sufficient time under the current briefing schedule to complete the discovery necessary for class certification, identify all class members, brief a motion for class certification, and complete dissemination of class notice prior to October 1, 2010.

THEREFORE, the parties hereby stipulate that the briefing schedule set forth in Docket No. 95 applies only to Defendants' motions for summary judgment, and does not apply to any motion for summary judgment that Plaintiffs might bring, and that Plaintiffs are not required to file a motion for summary judgment prior to class certification.

Dated: July 29, 2010

By: s/Ethan Preston

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Dated: July 29, 2010

By: _____/S/_____

Attorneys for Jacob Steinbeck

Dated: July 29, 2010

By: /S/

*Attorneys for Monterey Financial Services,
Inc.*

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: August 2, 2010

By: _____

Honorable Charles R. Breyer
United States District Court

